

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

IN THE MATTER OF: ) Docket No. CAA-05-2008-0002  
)  
Frozen Assets Cold Storage, LLC ) Proceeding to Assess a  
2635 S. Western Ave. ) Civil Penalty under  
Chicago, Illinois 60608 ) Section 113(d) of the  
) Clean Air Act,  
Respondent. ) 42 U.S.C. §7413(d)

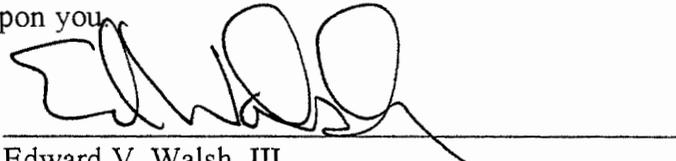
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NOTICE OF FILING

To: All Counsel on Attached Service List

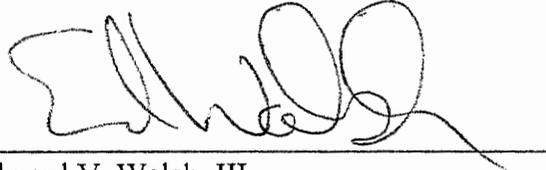
PLEASE TAKE NOTICE that on April 30, 2008, we caused to be filed with the Regional Hearing Clerk, an **Agreed Motion For Extension of Time to Answer**, a copy of which is attached hereto and hereby served upon you.

  
Edward V. Walsh, III  
Attorney for Frozen Assets Cold Storage LLC

Edward V. Walsh, III  
REED SMITH, LLP  
10 South Wacker Drive, 40th Floor  
Chicago, IL 60606  
(312) 207-1000

**CERTIFICATE OF SERVICE**

I, Edward V. Walsh, III, attorney for Respondent Frozen Assets Cold Storage, LLC, hereby certify that a copy of the foregoing **Agreed Motion For Extension of Time to Answer** was served upon each person listed on the attached Service List in the manner indicated on this 30th day of April, 2008:

A handwritten signature in black ink, appearing to read 'Edward V. Walsh, III', written over a horizontal line.

Edward V. Walsh, III

**SERVICE LIST**

**VIA PERSONAL DELIVERY**

William Wagner, Esq.  
U.S. EPA  
77 West Jackson Blvd.  
Chicago, IL 60604

**VIA PERSONAL DELIVERY**

Marcey Toney  
Regional Judicial Officer  
U.S. EPA  
77 West Jackson Blvd.  
Chicago, IL 60604

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Frozen Assets Cold Storage, LLC	)	Proceeding to Assess a
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	)	Clean Air Act,
Respondent.	)	42 U.S.C. §7413(d)

**Agreed Motion For Extension of Time to Answer**

Respondent Frozen Assets Cold Storage, LLC by its attorneys Reed Smith, LLP moves, pursuant to Rule 22.7 of the Consolidated Rules of Practice (40 C.F.R. Part 22 et.seq.) for an agreed extension of time within which to file a response pleading herein, and in support of its motion states as follows:

1. The United States Environmental Protection Agency ("EPA") through its counsel, William Wagner, Esq. has no objection to the granting of this Motion.
2. Three prior extensions of time to answer have been sought and granted herein in order to enable further settlement discussions between the parties. Recently, Respondent provided updated financial data (2007 year end results) to USEPA.. The parties have now reached an agreement in principle to settle this matter, subject to provision of some confirmatory documentation and management approval. The parties require time to accomplish this and to document the settlement.
4. In order for the parties to finalize the agreement in principle to settle, Respondent, without objection from EPA, requests an additional 45 days from May 5, 2008, the date upon which the current extension expires, within which to file a response pleading.

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Accordingly, Respondent requests an extension of time to answer to and including June 19, 2008.

Respectfully submitted

DATED: April 30, 2008

Reed Smith, LLP

By

  
\_\_\_\_\_  
Edward V. Walsh, III  
Attorney for Frozen Assets Cold Storage, LLC